

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

Federal Insurance Co., et al.,

Plaintiffs,

v.

Metropolitan Mortgage &  
Securities Co., Inc. et al.,

Defendants.

No. CV-05-309-FVS

**ORDER GRANTING DEFENDANT  
KOVACK SECURITIES' MOTION  
FOR DISMISSAL**

**BEFORE THE COURT** is Defendant Kovack Securities' Motion for Dismissal, Ct. Rec. 191. Kovack Securities, Inc. ("KSI") moves the Court for an order dismissing it from this action and an award of costs and fees in the amount of \$1500.00. KSI's motion is unopposed.

KSI is a NASD registered securities Broker Dealer located in southeast Florida. KSI has never been a registered representative or maintained any business affiliation with Metropolitan Investment Securities, Inc., and has never sold securities to any third parties named in this proceeding.

Defendants William Sears and Patricia Sears-Million sold Metropolitan Series E7 preferred stock to various parties during the period of March 2000 through July 2003. On December 13, 2003, Sears and Sears-Million joined KSI. Although both of these persons are named in the above-captioned action as defendants who were registered representatives of Metropolitan Securities, the events complained of occurred prior to Sears and Sears-Million joining KSI.

ORDER GRANTING DEFENDANT KOVACK SECURITIES' MOTION FOR DISMISSAL

1 From the record before the Court, it appears KSI was improperly  
2 joined in this action. Thus, pursuant to Federal Rule of Civil  
3 Procedure 21, the Court dismisses KSI from this action.

4 **IT IS HEREBY ORDERED** that Defendant Kovack Securities' Motion for  
5 Dismissal from Case, **Ct. Rec. 191**, is **GRANTED**. The Court **reserves**  
6 **ruling** on any request for costs and fees until such request is  
7 properly supported by an affidavit and supporting materials.

8 **IT IS SO ORDERED**. The District Court Executive is hereby  
9 directed to enter this Order and furnish copies to counsel.

10 **DATED** this 16th day of December, 2005.

11  
12 s/ Fred Van Sickle  
13 Fred Van Sickle  
14 United States District Judge  
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